

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 4 WITH M.C. DEAN, INC. FOR CONTRACT NO. FC-7687-04, SECURITY ACCESS CONTROL SYSTEM, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$628,457, FOR OPERATION AND MAINTENANCE (O&M) SERVICES FOR A SECOND YEAR OF THE CONTRACT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 180313 (AVIATION SECURITY) 5213001 (CONSULTING/PROFESSIONAL) 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City"), as owner and operator of Hartsfield-Jackson Atlanta International Airport ("Airport"), has undertaken a Capital Improvement Program at the Airport; and

WHEREAS, the City entered into Contract No. FC-7687-04 ("Contract"), Security Access Control System ("SACS"), with M.C. Dean, Inc. ("M.C. Dean"), pursuant to Resolution 05-R-0218; and

WHEREAS, Exhibit C; Fees and Compensation; Form B; Page 1 of 20; and Part IV; Project Specifications; Section 9.3; Page 36, of the Contract included options ["O&M Option(s)"] in one year increments for yearly maintenance of the SACS for a period of up to five years, to be exercised by the City in its sole discretion; and

WHEREAS, the City exercised its first O&M Option and executed Change Order No. 3B in the amount of \$604,285.20, pursuant to Resolution 07-R-2609, requiring M.C. Dean to provide one year of operation and maintenance services for the SACS from March 1, 2008, through February 28, 2009; and

WHEREAS, the City now desires to exercise its second O&M Option to ensure the provision by M.C. Dean of operation and maintenance services for the SACS for an additional one year, from March 1, 2009, through February 28, 2010; and

WHEREAS, the Aviation General Manager and the Chief Procurement Officer have recommended the execution of Change Order No. 4 with M.C. Dean in the amount of \$628,457 to effectuate the City's exercise of its second O&M Option; and

WHEREAS, \$209,486 of the total \$628,457 of proposed Change Order No. 4 has already been approved in the DOA's Fiscal Year 2008 Budget and it is anticipated that the remaining \$418,971 will be approved in the DOA's Fiscal Year 2009 Budget.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute Change Order No. 4 to the Contract

with M.C. Dean in an amount not to exceed \$628,457 and providing for the continued provision of operation and maintenance services for the SACS from March 1, 2009, through February 28, 2010.

BE IT FURTHER RESOLVED, that all contracted work will be charged to and paid from FDOA 5501 (Airport Revenue Fund) 180313 (Aviation Security) 5213001 (Consulting/Professional) 7563000 (Airport).

BE IT FURTHER RESOLVED, that Change Order No. 4 must contain the following contingencies:

1. M. C. Dean is only initially authorized to perform operations and maintenance services for the SACS through June 30, 2009, in an amount not to exceed \$209,486; and
2. The provision by M.C. Dean of operation and maintenance services for the SACS for the period from July 1, 2009, through February 28, 2010, is contingent upon the approval of a DOA Fiscal Year 2009 Budget containing funds in the amount of \$418,971 for the payment of such operation and maintenance services; and
3. If such additional budgeted funds are authorized by appropriate legislative action, the Aviation General Manager or his designee will provide to M.C. Dean prior written notice that it is authorized to continue to provide operation and maintenance services for the SACS for the period from July 1, 2009, through February 28, 2010; and
4. If such additional budgeted funds are not authorized, Change Order No. 4 and the provision of operation and maintenance services by M.C. Dean will automatically terminate on June 30, 2009.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare Change Order No. 4 for execution by the Mayor.

BE IT FINALLY RESOLVED, that Change Order No. 4 will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to M. C. Dean.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this resolution is authorize the Mayor to execute a Change Order # 4 authorizing the 2nd year operation and maintenance of the Security Access Control System with M. C. Dean.

2. Please provide background information regarding this legislation.

M. C. Dean will not complete the installation of the additional card readers, system acceptance testing and decommissioning of the old Info-graphics Access Control System prior to the March 1, 2009 end of the first year operation and maintenance services. The DOA requires continued operation and maintenance of the SACS while M. C. dean completes all work under the Contract. Due to warranty and other contractual issues it is imperative that M. C. Dean continue the operation and maintenance until the SACS is fully accepted by the DOA. The DOA is currently preparing an RFP to procure up to 5 years operation and maintenance of the SACS. This Contract for this RFP will not be in place prior to June of 2009.

Change Order # 1 revised deliverable dates in the interim milestones – no cost

Change Order # 2 compensated M. C. Dean for DOA requested changes to the design and operation of the system - \$1,657,500

Change Order # 3 compensated M. C. Dean for an increase in the scope to add 80 additional card readers which were omitted from the original Contract Documents as well as the first year operation and maintenance - \$3,024,045.20

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Change Order
- (b) Source Selection: N/A
- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract: 988 calendar days.

4. Fund Account Center (*Ex. Name and number*): FDOA 5501 (Airport Revenue Fund) 180313
(Aviation Security) 5213001 (Consulting/Professional) 7563000 (Airport)

Fund: 5501 Account: 5213001 Center: 180313

5. Source of Funds: *Example: Local Assistance Grant* City Contribution

6. Fiscal Impact: \$628,457

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Security Screening Fees

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 1/13/09

Anticipated Committee Meeting Date(s): 1/28/09

Anticipated Full Council Date: 2/02/09

Commissioner Signature: Med. [Signature]

Chief Procurement Officer Signature: Adrian J. Smith/0912

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 4 WITH M.C. DEAN, INC. FOR CONTRACT NO. FC-7687-04, SECURITY ACCESS CONTROL SYSTEM, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$628,457, FOR OPERATION AND MAINTENANCE (O&M) SERVICES FOR A SECOND YEAR OF THE CONTRACT; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 180313 (AVIATION SECURITY) 5213001 (CONSULTING/PROFESSIONAL) 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$628,457

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 1/22/09 E. Perry Reviewed by: Ame 1/28/09
(date) (date)

Submitted to Council: _____
(date)